

ments and was prescribing medicines for their cure; that the medicines which he prescribed and sold by mail were not beneficial, but were, in many instances, absolutely worthless and harmful to the patient; and that Manning was not leading an honest life, but was perpetrating a fraud on the public.

"It may be, as appellant contends, that the evidence on the probation revocation hearing would not be sufficient to support a conviction under federal laws for using the mails to defraud or under Alabama law for practicing medicine without a license. But proof sufficient to support a criminal conviction is not required to support a judge's discretionary order revoking probation. A judge in such proceeding need not have evidence that would establish beyond a reasonable doubt guilt of criminal offenses. All that is required is that the evidence and facts be such as to reasonably satisfy the judge that the conduct of the probationer has not been as good as required by the conditions of probation. *Campbell v. Aderhold*, 36 F. 2d 366; *United States v. Hanson*, 49 F. Supp. 355.

"Manning was given a full, fair, and comprehensive hearing before the trial judge. The record, instead of showing abuse of discretion on the part of the trial judge, discloses a sound exercise of judicial discretion and fully supports the order revoking appellant's probation.

"The judgment is affirmed."

2256. Misbranding of phenobarbital tablets, thyroid tablets, sulfathiazole tablets, sulfanilamide tablets, and sulfanilamide and sodium bicarbonate tablets. U. S. v. Mills Sales Company of New York, Inc., and David Jacoby. Pleas of guilty. Fine of \$1,125 against each defendant. (F. D. C. No. 17862. Sample Nos. 96241-F, 2761-H, 5893-H, 18248-H, 22662-H, 24366-H, 28276-H, 28935-H.)

INFORMATION FILED: May 8, 1947, Southern district of New York, against the Mills Sales Company of New York, Inc., New York, N. Y., and David Jacoby, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of May 9, 1944, and April 6, 1945, from the State of New York into the States of Virginia, New Jersey, Iowa, Arkansas, Alabama, Oregon, Idaho, and Indiana.

LABEL, IN PART: (Bottles) "Phenobarbital Tablets * * * Allen Laboratories Distributors, New York, N. Y. * * * To be used only by or on the prescription of a physician," or "Certified Brand Thyroid Tablets" [or "Sulfathiazole Tablets," "Phenobarbital Tablets," "Sulfanilamide Tablets," or "Sulfanilamide and Sodium Bicarbonate Tablets"] * * * To be used only by or on the prescription of a physician * * * Certified Drug & Chemical Co., Distributors New York, N. Y."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use, in that the bottles containing the articles bore no labeling containing directions for use.

DISPOSITION: June 25, 1947. Pleas of guilty having been entered, the court imposed a fine of \$1,125 against each defendant.

2257. Misbranding of Tescum Powders. U. S. v. Edna Bertha Bramley (Tescum Co.). Plea of guilty. Fine, \$175 and costs. (F. D. C. No. 21450. Sample Nos. 18119-H, 24889-H.)

INFORMATION FILED: May 27, 1947, Northern District of Ohio, against Edna Bertha Bramley, trading as the Tescum Co., at Cleveland, Ohio.

ALLEGED SHIPMENT: From on or about September 10, 1945, to on or about January 8, 1946, from the State of Ohio into the States of Illinois and Texas.

PRODUCT: Analysis disclosed that the product was a white, unflavored powder consisting essentially of sugars, ammonium chloride, and tartar emetic, with a trace of gold and sodium chloride.

LABEL, IN PART: (All packages) "Tescum Powders Tescum produces temporary nausea or vomiting in most cases and should not be used indiscriminately or continuously. Dosage: No more than one powder in liquid every other day * * * Caution: Too frequent use or over dosage will cause intense nausea and may be dangerous"; (on some packages) "Chronic Alcoholism is medically recognized as a disease, in this case consult a physician."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements on the labels of some of the packages were false and misleading. These statements repre-

sented and suggested that the article would be efficacious in the cure, mitigation, and treatment of alcoholism, whereas the article would not be efficacious for such purpose.

Further misbranding, Section 502 (f) (1), the labeling of the remainder of the packages failed to bear adequate directions for use, since they failed to reveal the conditions for which the article was to be used.

DISPOSITION: December 19, 1947. A plea of guilty having been entered, the court imposed a fine of \$175, plus costs.

2258. Misbranding of Forfem Perles. U. S. v. 45 Boxes * * *. (F. D. C. No. 23963. Sample No. 14292-K.)

LIBEL FILED: November 18, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 26, 1947, by the Supreme Pharmaceutical Co., from New York, N. Y.

PRODUCT: 45 boxes each containing 24 *Forfem Perles* at Chicago, Ill.

LABEL, IN PART: "Forfem Perles A carefully prepared combination of Pennyroyal, Tansy, Apiol, Powdered Extract of Ergot, Aloin, Rue and Vegetable Oil in a soft Gelatin Perle."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use and did not conform to the conditions authorizing exemption from that requirement, since its label did not bear a statement of the quantity or proportion of each active ingredient in the article.

DISPOSITION: February 25, 1948. Default decree of condemnation and destruction.

2259. Misbranding of 1 Shot A-Ran Treatment. U. S. v. 35 Outfits * * *. (F. D. C. No. 23198. Sample No. 86867-H.)

LIBEL FILED: June 20, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about February 19 and March 17, 1947, from Green Bay, Wis., by Random Veterinary Products, Inc.

PRODUCT: 35 outfits, each containing 9 envelopes, of 1 *Shot A-Ran Treatment*, 1 empty bottle, 1 rubber hose, 1 needle, and 36 envelopes (refills) of 1 *Shot A-Ran Treatment*, at Minneapolis, Minn. Analysis showed that the product in the envelope consisted essentially of dextrose and 70 milligrams of acriflavine.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements, "1 Shot A-Ran Treatment For Mastitis Garget * * * Don't Let Garget Steal Your Milk Checks," in the labeling of the article were false and misleading, since they represented and suggested that the article was an adequate treatment for mastitis or garget caused by various infections, whereas the article was not such adequate treatment; Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the package labels failed to bear any statement of the quantity of the contents; Section 502 (e) (1), the article was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each active ingredient, since the name declared on the label "Diamino-Methylacridine Chloride Diaminoacridine" is not the common or usual name of acriflavine; and, Section 502 (f) (1), the labeling failed to bear adequate directions for use, since the following directions in the labeling were not adequate for the treatment of mastitis or garget: "DIRECTIONS FOR USE: Milking Cows—Dissolve contents of this envelope in pint bottle of sterile or freshly boiled water. Strip out quarter. Hold injection bottle about 3 feet above quarter so that A-Ran solution flows into quarter by gravity without force. Massage quarter gently so entire pint flows into quarter. Leave A-Ran solution in quarter 45 minutes then strip it all out. Treat adjoining quarter with A-Ran to be sure infection has not spread. Treatment may be repeated in one week if needed. Dry Cows—Prepare and inject A-Ran as described above. Leave in quarter for 45 minutes, then strip out. Strip out quarter for next two days to be sure all of solution has been removed. CAUTION—Do not leave A-Ran solution in quarter longer than one hour."

DISPOSITION: October 18, 1947. Default decree of condemnation and destruction.